

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GREGORY L. RUDOLPH,

Petitioner,

v.

9:06-CV-975

**DALE ARTUS, Superintendent of
Clinton Correctional Facility,**

Respondent.

APPEARANCES:

OF COUNSEL:

Gregory L. Rudolph
02-B-2389
Clinton Correctional Facility
PO Box 2001
Dannemora, NY 12929
Petitioner, *pro se*

Hon. Andrew M. Cuomo
Attorney General of the State of New York
120 Broadway
New York, NY 10271
Attorney for Respondent

Lisa E. Fleischmann
Assistant Attorney General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 14th day of June 2010. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The petition for a writ of habeas corpus is denied and dismissed. Petitioner has failed to make a substantial showing of a denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2); accordingly, no certificate of appealability shall issue.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: July 7, 2010
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge